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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|----------------------|
| 10/840,234 | 05/07/2004 | Tsuyoshi Hirashima | 2004_0680A | 9681 |
| 513 7590 04/18/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | EXAMINER [REDACTED] | YEH, EUENG NAN |
| | | | ART UNIT [REDACTED] | PAPER NUMBER 2609 |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 04/18/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|---------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/840,234 | HIRASHIMA ET AL. |
| | Examiner Eueng-nan Yeh | Art Unit 2609 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,14,17 and 27 is/are rejected.
- 7) Claim(s) 2-13,15,16 and 18-26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 May 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>Aug 02, 2004; Dec 22, 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawing is objected to because of minor informalities:

Figure 6(b): the labels for ordinate δH , δs , and δv should be corrected as ΔH , Δs , and Δv .

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities and appropriate corrections are required:
 - a) The definition of K_{ALL} in formula 5 is inconsistent with that of formulae 6, 7, and 8.
 - b) Undefined variables M and r used in formula18.
 - c) Variables X_0 , Y_0 , Z_0 , L_x^* , a_x^* , and b_x^* in formulae19-21 are undefined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 14, 17, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (hereafter Yamashita) (US 5,384,601).

Regarding claims 1, Yamashita discloses:

a total color-adjusting stage (as depicted in figure 1, portion of elements 7 and 8 that performs the calculation of $(1-W) u^*$, $(1-W) v^*$, and $(1-W) L^*$ discussed in column 6, lines 3 to 21 stands for total color-adjusting stage) operable to perform a total color adjustment (calculation of $(1-W) u^*$, $(1-W) v^*$, and $(1-W) L^*$ discussed in column 6, lines 3 to 21) for data of an inputted color (as depicted in figure 1, the input signal is (R, G, B)) with respect to a total color to output data of a result vector of the total color adjustment ($(1-W) u^*$, $(1-W) v^*$, and $(1-W) L^*$ discussed in column 6, lines 3 to 21 will form the vector of total color after adjustment);

a specific color-adjusting stage (as depicted in figure 1, portion of elements 7 and 8 that performs the calculation of $W X u_0^*$, $W X v_0^*$, and $W X L_g^*$ discussed in column 6, lines 3 to 21 stands for specific color-adjusting stage) operable to perform a specific color adjustment (calculation of $W X u_0^*$, $W X v_0^*$, and $W X L_g^*$ discussed in column 6, lines 3 to 21) for the data of the inputted color with respect to a specific color to output data of a result vector of the specific color adjustment ($W X u_0^*$, $W X v_0^*$, and $W X L_g^*$ discussed in column 6, lines 3 to 21 will form the vector of specific color after adjustment);

a composing unit (as depicted in figure 1, portion of units 7 and 8 that performs the addition of total color and specific color as described in equations 1a and 1b of column 6, lines 10 to 26) operable to linearly compose (the linear operator, the addition, of equations 1a and 1b of column 6, lines 10 to 26) the data of the result vector of the total

color adjustment output by said total color-adjusting stage and the data of the result vector of the specific color adjustment output by said specific color-adjusting stage; total color-adjusting stage and said specific color-adjusting stage are provided to operate in a parallel manner (as described in equations 1a and 1b that both total color-adjusting stage and specific color-adjusting stage are linearly combinable which means parallel processing);

when a degree that said total color-adjusting stage adjusts the data of the inputted color increases, then a degree that said specific color-adjusting stage adjusts the data of the inputted color decreases (as described in equation 1 that when $1-W$, the total color-adjustment coefficient, increases, W , the specific color-adjustment coefficient, decreases);

when a degree that said total color-adjusting stage adjusts the data of the inputted color decreases, then a degree that said specific color-adjusting stage adjusts the data of the inputted color increases (as described in equation 1 that when $1-W$, the total color-adjustment coefficient, decreases, W , the specific color-adjustment coefficient, increases);

Regarding claim 14, Yamashita discloses: A color-adjusting apparatus for adjusting data of an inputted color (as depicted in figure 1, the input signal is (R, G, B)) with respect to a total color (as depicted in figure 1, portion of elements 7 and 8 discussed in claim 1 stands for total color) and a plurality of specific colors (as depicted in figure 1, portion of elements 7 and 8 discussed in claim 1 stands for specific colors).

The specific colors are such things as "skin color and green leaves, colors that the viewer remembers as being a certain color or that 'should' be a certain color" at column 1, line 39; "It is to be noted that the invention can also be applied in the same way to remembered colors other than skin colors" at column 3, line 4. Hence, plurality of specific colors and vectors can/will be processed. Hereon, a specific color and plurality of specific colors will be used interchangeably), said color-adjusting apparatus comprising stages corresponding to the units of the apparatus of claim 1 (see rejection of claim 1 over Yamashita above).

Regarding claim 17, Yamashita discloses the method of claim 17 comprising method steps corresponding to the units of the apparatus of claim 1 (see rejection of claim 1 over Yamashita above).

Regarding claim 27, Yamashita discloses the method of claim 27 comprising method steps corresponding to the units of the apparatus of claim 14 (see rejection of claim 14 over Yamashita above).

Allowable Subject Matter

6. Claims 2-13, 15-16, and 18-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Yamashita discloses the total color-adjustment stage and specific color-

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adjusting stage of claims 2, 15 and 18. However, the composing of Yamashita, while adding the result of the total color adjustment and the result of the specific color adjustment, does not also add the inputted color.

Tsukada (U.S. 7,016,075 B1) provides a technique that adds inputted color and a result of specific color adjustment. However, Tsukada does not mention total color adjustment and there is no motivation to combine Yamashita's method with Tsukada's method.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eueng-nan Yeh whose telephone number is 571-270-1586. The examiner can normally be reached on Monday-Friday 8AM-4:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2609

E.Y.



BRIAN WERNER
SUPERVISORY PATENT EXAMINER